

REMARKS

1. Restriction is required to one of the following groups: Group I = claims 1-7; Group II = claims 8-21. Applicants hereby confirm the earlier oral provisional election, and elect to prosecute claims 1-7 in the present prosecution.

9. Claims 1 and 3-6 are rejected under the judicially created doctrine non-statutory double patenting rejection in view of certain claims in co-pending application serial number 10/762,104. The Examiner indicates that the claims of the co-pending application are narrower in scope than claims 1 and 3-6. No office action has been issued in co-pending application serial number 10/762,104, and claims 1 and 3-6 are currently rejected. Applicants respectfully submit that it is premature to determine the necessity of a terminal disclaimer with respect to the cited applications. If the present claims are allowed in their present form, then the terminal disclaimer can be addressed in the co-pending case if necessary; i.e., if the identified claims in co-pending case are also allowed but for the obviousness double-patenting rejection.

11. Claims 1 and 4-6 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 2,622,991 issued to Sturm. (hereinafter referred to as "Sturm"). Applicant respectfully traverses the Examiner's rejection.

The classic test for anticipation, under 35 U.S.C. §102, requires that every limitation in a claim must be present in a single source reference for that reference to "anticipate" the claimed invention.

Claim 1 of the present invention recites a heat and pressure consolidated laminate that comprises in superimposed relationship: (a) a core layer containing at least one cellulosic sheet impregnated with a thermosetting resin; and (b) a first decorative layer consisting essentially of a leather material.

Sturm, in contrast, discloses a thermoplastic product that includes one or more layers of thermoplastic material interposed with or superposed by paper, textiles, leather, wood veneers, or metal foils. For example, Sturm discloses that "acrylic solutions prepared as described can be applied to the acrylic sheeting" (col.1, lines 54-55).

There is no disclosure within Sturm of a core layer containing at least one cellulosic sheet as is recited in claim 1. Rather, Sturm discloses sheets of paper, etc. disposed between or over thermoplastic layers. In addition, claim 1 does not recite a layer of thermoplastic material. These distinct differences illustrate the differences between the "core layer" described and claimed within present claim 1, and the thermoplastic material disclosed within Sturm. Consequently, Sturm does not anticipate independent claim 1, or dependent claims 4-6. Applicants therefore respectfully request that the rejection be withdrawn.

13. Claims 2, 3, and 7 are rejected under 35 U.S.C. 103 as being unpatentable over Sturm, and further in view of U.S. Patent No. 4,255,480 issued to Scher et al. (hereinafter referred to as "Scher").

Applicants respectfully disagree with the Examiner's characterization of the references and the rejection based thereon.

To begin, applicants refer the Examiner to the remarks above relating to the differences between the presently claimed laminate and that disclosed by Sturm. For at least those reasons, applicants request the rejection be withdrawn.

In addition, however applicants respectfully submit that there is no motivation to combine the references as suggested by the Examiner. The Examiner indicates that it would have been obvious to a person of skill in the art to use a core layer and a release sheet as taught by Scher in the laminate of Sturm. Applicants respectfully disagree. The laminates disclosed within Sturm and Scher are substantially different from one another: Sturm discloses the use of thermoplastic layers with sheet material (e.g., paper) disposed between or over the thermoplastic layers, and Scher discloses the use of a core sheet layer combined with a pattern sheet. Neither reference includes a motivation to use a core sheet with thermoplastic layers, and there is no release sheet claimed in present claims 2, 3, and 7. Hence, the suggested combination to arrive at the claimed laminate is without merit, and appears to be the product of impermissible hindsight. In addition, the Examiner's suggestion that the core layer of Scher can be combined with Sturm, supports the applicants argument above that Sturm does not anticipate the subject matter of claim 1, at least for the reason that Sturm does not disclose a core layer.

In addition to the above, claims 3 and 7 recite a decorative layer comprising bonded leather. There is no disclosure in either reference regarding the use of bonded leather. Applicants respectfully direct the Examiner to pages 1 and 2 of the present application wherein the disadvantages of natural leather (e.g., shrinkage, defects, size limitations, etc.) and the advantages of bonded leather (e.g., negligible shrinkage, pre-prepared product, no stretching required, virtually no size limitations, etc.) are described. As the present application describes, the differences between natural and bonded leather are significant for the uses described. For at least these reasons, applicants respectfully submit that the subject matter claimed in claims 3 and 7 is not obvious in view of the cited references.

In view of the above remarks, applicant respectfully requests the Examiner withdraw the rejection of claims 1-7, allow claims 1-7, and pass the present application on to issuance.

Respectfully submitted,

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